

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION**

**TED DAHL,
Plaintiff,**

v.

**VILLAGE OF SURFSIDE BEACH,
Defendant.**

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§

**Civil Action No. _____
(JURY DEMANDED)**

VILLAGE OF SURFSIDE BEACH'S NOTICE OF REMOVAL

· HAYJ]`U YcZG fZjXY6YUW`fh YÍJ]`U YÍZXYZbXlbh]b`h`lg`Wj]`UMcbž
Z`Yg`h`lg`bch]WcZfYa`cj`U`di`fg`Ubhlc`&`I`"G7"``Yÿ%`(%fL`UbX%`(*fL`UbXfM`"

I. IDENTITY OF STATE COURT ACTION BEING REMOVED

1. HAYWj]`UMcb`Vjbl`fYa`cj`YX`k`Ug`]b]h]UH`X`]b`h`Y`&`-`h`8]gf]W
7ci`fhicZ6fUrcf]U7ci`bhñ`HM`Ug`UbX`k`Ug`Ugg]`bYX`XcW`Yhibi`a`Vf`%\$+)-`-`!7J`"

II. BASIS FOR REMOVAL

2. HAYJ]`U`Y`lg`Ybh]hYX`hc`fYa`cj`Y`h`lg`WgY`hc`h`lg`7ci`fhidi`fg`Ubhlc`
&`I`"G7"``Yÿ%`'`%Z%`(%UbX%`(*`VW`U`gY`h`lg`]g`U`Wj]`UMcb`]bj`c`j`]b[`WU]a`g`
U]gbl`i`bXYf`h`Y7cbg]h`hcbž`Uk`gžcf`fYU]Yg`cZ`h`YI`b]hX`GHU`g`"Cb`A`Um`ž
&\$&\$Z`D`U]bh]ZZ`HX`8U`ž`Wa`a`Yb`WX`h`lg`UMcb`VmZ`]b[`Ub`Cf]]`]bU`DY]hcbž
5dd`]W]cb`Zcf`H`Ya`dcfUfm`FY`gfU]b]b[`CfXYfž`H`Ya`dcfUfm`UbX`DYfa`UbYbh
=b`i`bW]cbž`UbX`F`Yei`Ygh`Zcf`8`WUfUrcfm`FY]YZf`Cf]]`]bU`DY]hcbi`L`]b`h`Y`&`-`h`
8]gf]W`7ci`fhi`cZ`6fUrcf]U`7ci`bhñ`HM`Ug`"8U`"U`Yl`Ygž`]bhM`U]Už`h`Ui`h`Y`
J]`U`Yg`CfX]bUbW`ÍBc`"&\$%`!%\$%`]g`dfYa`dhX`VmZ`XfU`Ukž`UbX`a`cfY`
g]W]W`ñ`h`Y`7`Yb`K`Um`5W`UbX`h`Y`fY[i`U]cbg`UXcdhX`di`fg`Ubhlc`h`Y`

7`YUb`K`Uhf`5Wf`UbX`h`Uhf`CfX`b`UbW`Bc`"&\$%!%%\$%j`lc`Uhg`5fhjWY`*`z7`U`gY`&
cZh`YI`b`hX`GHUhg`7cbg`h`h`h`cb`"%`fD`U`bh`Zg`Cf`j`b`U`DY`h`h`cb`z`cc`)"`UbX`*`"L`

III. JURISDICTION

3. H`lg`7ci`fh`Ug`cf`j`b`U`"i`f`gX`W`cb`cZh`lg`UW`cb`i`bXY`&`I`"G`7`"Y`Y`
%`"Z`%`("`UbX`%`(%`VW`gY`8U`"U`Ug`U`Y`YX`j`lc`U`h`cbg`cZh`YI`b`hX`GHUhg`
7cbg`h`h`h`cb`UbX`Ug`Y`hX`W`U`a`g`Z`f`fW`j`Y`f`m`i`bXY`Z`XY`U`"Uk`"

IV. VENUE

4. J`Ybi`Y`lg`dfcdYf`b`h`Y`Gci`h`Yfb`8`lg`f`W`cZ`HM`Ug`z`Uj`Yg`cb`
8`lj`lg`cb`z`di`fg`Ub`h`c`&`I`"G`7`"Y`Y`%`(%`fL`UbX`%`(*`fL`VW`gY`h`Y`g`U`Y`W`i`f`h`
UW`cb`lg`dYbX`b`j`b`6`f`U`cf`j`U`7ci`b`h`z`HM`Ug`z`k`W`lg`k`h`b`h`lg`i`X`j`U`X`lg`f`W`
UbX`X`j`lg`cb`"

V. THE CITY HAS COMPLIED WITH THE REQUIREMENTS FOR REMOVAL

5. H`lg`Bch`W`cZ`FYa`cj`U`lg`Ha`Ym`Z`YX`di`fg`Ub`h`c`&`I`"G`7`"
Y`Y`%`(*`fL`"H`Y`7`j`mk`Ug`g`Y`j`YX`k`h`h`Y`DY`h`h`cb`j`b`h`Y`g`U`Y`W`i`f`h`d`f`c`W`YX`b`g`cb`
A`Um`%`z`&\$`&\$`"H`lg`bch`W`cZ`FYa`cj`U`lg`V`Y`b`j`Z`YX`k`h`b`h`j`f`m`X`U`g`cZ`f`Y`W`d`h`c`Z`
h`Y`b`j`h`U`d`Y`U`X`b`j`"

VI. STATE COURT PROCESS, PLEADINGS AND ORDERS

6. H`Y`7`j`mk`j`"j`Y`bch`W`cZ`Z`j`b`j`cZh`lg`bch`W`cZ`FYa`cj`U`h`c`U`
dU`f`Y`g`cZ`f`Y`W`f`X`di`fg`Ub`h`c`&`I`"G`7`"Y`Y`%`(*`fL`"H`Y`7`j`mk`j`"Ug`c`Z`Y`k`h`h`Y`

.....
%`"H`Y`J`j`U`Y`dfYg`a`Yg`h`U`h`h`Y`fY`Z`f`Y`b`W`h`c`h`Y`I`b`hX`GHUhg`G`dfYa`Y`7ci`f`f`j`b`D`U`bh`Zg`
Cf`j`b`U`DY`h`h`cb`lg`h`h`Y`I`b`hX`GHUhg`7cbg`h`h`h`cb`UbX`h`U`h`lg`fY`Z`f`Y`b`W`lg`h`h`Y`G`dfYa`UW`7`U`gY`
cZh`Y`7cbg`h`h`h`cb`cZh`YI`b`hX`GHUhg`"CfX`b`UbW`&\$`&\$`!%%\$%\`Ug`VYb`W`X`Z`YX`Ug`G`W`cb`%&`)"cZh`Y`
J`j`U`Y`cZ`G`f`Z`j`Y`7`cY`cZ`CfX`b`UbW`g`"

Wf_cZh YgUHYWi flzUbXk]`gMj Yi dcb'8U`BWi bgYzUbchjWcZh YZ]b['cZ
h]gbchjWcZfYa cj U"

7. H Y 7]mi\Ug UHLWYX hc`h]g bchjW cZ fYa cj U`Wd]Yg cZ`fLU`
Yl YWHXdfcWgg/fMLh YgUHYWi flid`YU]b[g/fMU`cfXYfggl[bYXVmh YgUHY
Wi fhi`i Xl Y/fMLh YgUHYWi fhXcWYhg`Yh`fMLub]bXM `cZa UHmgV]b[`Z`YX/
UbXfLU`]ghicZU`Wi bgY`cZfWfXZUgfYei]fYXVm& I "G7"Y((*fLUbX@cW`
Fi `Y, %cZh YI b]hXGhYg8]gf]W7ci flzGci h Yfb'8]gf]WcZHM Ug"

8. 5g`cZh YZ]b['cZh]g bchjW cZfYa cj Uzb`ch Yf`XYZbXUblg`Uj Y
VYb`ÍdfcdYf`m`c]bYX UbX`gMj YX`UbXz h YfYZfYz h Y 7]mi]g bchfYei]fYX hc`
cVU]b`WbgYbhlc`h YfYa cj U`cZh]g UMcb`Zca `ch Yf`XYZbXUblg`di fg Ubhlc`
& I "G7"Y%(*fMfBfL"

VII. JURY DEMAND

9. 8U`j`7]mi\Ug]bW`YX`U`i fmXYa UbX]b`]hg`dY]hcb`]b`h YgUHYWi fhi
UMcb"

VIII. EXHIBITS

10. Di fg Ubhlc`Fi `Y 7J!, %cZh Y@cW`7]j]`Fi `Yg`Zf`h Y Gci h Yfb`
8]gf]WcZHM Ugzh YZ`ck]b[`XcWa Yblg`UfYUHLWYXhc`h]g bchjWcZfYa cj U`
UgWffYgdcbX]b[`YHfYXY\]V]hg`

Exhibit A -bXl `cZA UHmg6Y]b[:]YX`fk]h`h YfYZfYbWX
gUHYWi fhXcWa Yblg`UHLWYXUbX`UWYXUg`
9l\]V]hg5!%YhgYe`L`

Exhibit B 5`]ghicZU`Wi bgY`cZfWfX`

FYgdYWZ `ngi Va jhXZ

OLSON & OLSON, L.L.P.

6m: #g#5bXFYU7\Ub` .
5bXFYU7\Ub`
Gci h Yfb'8]gf]W=8 Bc"%- (\$`
GHY'6UF'Bc"\$(\$, ** \$\$`
[UWUb4 c`gcb`d"Wa`](#)
5`lgcb'G'?]`Ub`
Gci h Yfb'8]gf]W=8 Bc"' &\$' ' &&
GHY'6UF'Bc"'&(\$- - +,)`
[U \]`Ub4 c`gcb`d"Wa`](#)
&+&+ '5`Yb DUf_k UnzGi jhY* \$\$`
< ci gcbzHM Ug++\$%`
HYd\cbY` fl%L) ' ' ! , \$\$`
: UMa]Y` fl%L) ' ' ! , , ,`
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**Attorney for Defendant,
Village of Surfside Beach`**
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CERTIFICATE OF SERVICE

. =WfhZnh Uhcb h Y%b XUncZ>i bYz&\$&\$zUWdmrcZVillage of Surfside
Beach's Notice of Removal k Ug'YWMcb]W`mZ YXUbXgYj YXcb Wi bgY`cZ
fYwfX`]ghXVYck i gbl` h Y7ci fhg9: #7A`gngha`di fg Ubhlc: YXfU Fi`YcZ
7lj]`DfcWxi fY) UbXI b]hXGHYg8]gf]W7ci fhZcf h YGci h Yfb'8]gf]WcZ
HM Ug@cW Fi`Y).`
.

Hja chn5"< ccha Ub`
& \$&DYUgY`
< ci gcbzHM Ug++\$\$`
[h ccha Ub&SS\\$4 n\cc"Wa`](#)
5hcfbYmZcf DUbhjZZHX8U`
.

/s/ Andrea Chan
5bXFYU7\Ub`

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**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION**

TED DAHL,
Plaintiff,

v.

VILLAGE OF SURFSIDE BEACH,
Defendant.

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Civil Action No.

(JURY DEMANDED)

INDEX OF MATTERS BEING FILED

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5!%	.	8cWYhG\YhZcf7U gYBc"%\$+) - - !7J /Ted Dahl v. Village of Surfside Beach/]b`h Y& - h` 8]gf]W7ci fhicZ6fUrcf]U7ci bhñHM Ug
5!&	\$ (#S- #&&&&	DU]bhZgCf][]bU`DYh]cb`
5!'`	\$ (# \$ #&&&&	DfcWggFYei Ygh: cfa`
5!(`	\$) #S* #&&&&	9a U]`fY: gYfj]W
5!)`	\$) #% #&&&&	F Yi fb`cZGfj]W
5!*`	S* #S, #&&&&	5bgk Yf`5bXFYei Ygh: cf`8]gWcg fygcZ 8 YZbXlbhJ]`U YCZGi fzjXY6YUW`

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EXHIBIT A-1

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CIVIL DOCKET - CAUSE NO. 107599-CV**239th District Court**

NAMES OF PARTIES	ATTORNEYS	KIND OF ACTION	DATE OF FILING
Ted Dahl vs. Village of Surfside Beach	TIMOTHY ANDREW HOOTMAN	Other Civil	04/09/2020
			Jury Fee Paid: \$
	-Def Atty		Paid by: Date:

DATE	ORDERS

[Skip to Main Content](#) [Logout](#) [My Account](#) [Search Menu](#) [New Civil Search](#) [Refine Search](#) [Back](#)
Location : All Courts [Help](#)**REGISTER OF ACTIONS**

CASE No. 107599-CV

Ted Dahl vs. Village of Surfside Beach

§
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§
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§Case Type: **Other Civil**
Date Filed: **04/09/2020**
Location: **239th District Court**

PARTY INFORMATION

Defendant Village of Surfside Beach**Attorneys**
Andrea Chan
Retained
713-533-3800(W)**Plaintiff** Dahl, Ted**Timothy Andrew Hootman**
Retained
713-247-9548(W)

EVENTS & ORDERS OF THE COURT

	OTHER EVENTS AND HEARINGS
04/09/2020	Original Petition (1-10 Plaintiffs) (OCA)
04/09/2020	Docket Sheet
04/30/2020	Request
05/06/2020	Citation
	Village of Surfside Beach
05/19/2020	Service Returned
06/08/2020	Answer

Served

05/12/2020

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EXHIBIT A-2

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NO. 107599-CV

TED DAHL	§	IN THE DISTRICT COURT OF
	§	
VS.	§	BRAZORIA COUNTY, TEXAS
	§	
VILLAGE OF SURFSIDE BEACH	§	_____ JUDICIAL DISTRICT

PLAINTIFF'S ORIGINAL PETITION

TO THE COURT:

Plaintiff, Ted Dahl, files this original petition against defendant, Village of Surfside Beach, and shows:

I.

Discovery

1. Pursuant to Texas Rules of Civil Procedure, plaintiff alleges that discovery is intended to be conducted under level 2 of Rule 190.1.

II.

Parties

2. Plaintiff, Ted Dahl, an individual, lives in Brazoria County, Texas.

3. Defendant, Village of Surfside Beach, a municipality recognized by the laws of the State of Texas, may be served through its City Secretary, Amanda Davenport, at 1304 Monument Drive, Surfside Beach, Texas 77541-9522.

III.

Jurisdiction and Venue

4. The Court has jurisdiction to hear this case pursuant to sections 15.001,

15.011, and 15.035 of the Civil Practice and Remedies Code because (1) all events giving rise to this claim occurred in Brazoria County, Texas, and (2) the real property the subject of this lawsuit is located in Brazoria County, Texas.

IV.

Background Facts

5. Plaintiff, Ted Dahl, is developer who owns real property located at 1739 Blue Water Highway in the Village of Surfside Beach. Plaintiff has requested a building permit which was denied based on Ordinance No. 2019-11-01. More specifically, Defendant informed Plaintiff that before a permit would be issued Plaintiff would have to obtain a “wetlands delineation from a qualified coastal geologist or biologists with Army Corp of Engineers permit experience determining boundaries between uplands and wetlands” according to the ordinance. This requirement, and therefore Ordinance No. 2019-11-01, is preempted by federal law regulating wetlands, and more specifically, the Clean Water Act and the regulations adopted pursuant to the Clean Water Act.

V.

Declaratory Relief

6. Plaintiff sues for a declaratory judgment that that Ordinance No. 2019-11-01 violates Article 6, Clause 2 of the United States Supreme Court because the subject matter of wetland regulation has been preempted by federal legislation. This declaration is necessary for Plaintiff to be able to obtain his building permit without

Defendant's requiring Plaintiff to do things that are regulated by federal wetland regulatory law. In this regard, Plaintiff seeks attorney's fees, costs of court, pre-judgment interest, and post-judgment interest, of \$100,000 or less. *See* TEX. R. CIV. P. 47 (c).

VI.

Jury Demand

7. Plaintiff desires to have a jury decide this case. This request is filed over thirty days before this case has been scheduled for trial. Plaintiffs have paid the jury fee as required by Texas Rule of Civil Procedure 216(b).

VII.

Request for Disclosure

8. Plaintiff files this request for disclosure pursuant to Rule 194 of the Texas Rules of Civil Procedure. Accordingly, defendant is hereby requested to disclose, within 30 days of service of this request, the information or material described in Rule 194.2(a) – (i) and (k) of the Texas Rules of Civil Procedure.

WHEREFORE, plaintiff, Ted Dahl, requests that defendant, Village of Surfside Beach, be cited to appear and answer, and that on final trial, plaintiff have money judgment against defendant, Village of Surfside Beach, for declaratory judgment that Ordinance No. 2019-11-01 violates Article 6, Clause 2 of the United States Supreme Court because the subject matter of wetland regulation has been preempted by federal legislation; attorney's fees, costs of court;; and all other relief, legal and

equitable, to which plaintiff is justly entitled.

Respectfully submitted,

/s/Timothy A. Hootman

Timothy A. Hootman

SBN 09965450

2402 Pease

Houston, TX 77003

713.247.9548 (office)

713.366.6229 (cell)

thootman2000@yahoo.com

ATTORNEY FOR PLAINTIFF

EXHIBIT A-3

BRAZORIA COUNTY DISTRICT CLERK
RHONDA BARCHAK

Process Request

Please Print All Information Clearly & Neatly

Cause No. 107599-CV For each party served you must furnish 1 copy of the document(s).

DOCUMENT(S) TO BE SERVED Plaintiff's Original Petition

Name/Business to be Served:

1. Name Village of Surfside Beach
Registered Agent (if applicable) City Secretary Amanda Davenport
Address 1304 Monument Drive
City, State, Zip Surfside Beach, Texas 77541-9522

2. Name _____
Registered Agent (if applicable) _____
Address _____
City, State, Zip _____

Service By (check one)

☐ Constable
☐ Sheriff
☐ Certified Mail **Check One:** ☐ Restricted Delivery ☐ Non-Restricted Delivery
☐ Pickup by whom: _____
☐ Return by mail to: _____
☒ Return by e-mail to (Provide e-mail address): dolores@acostaprocessservice.com
☐ Citation by Publication (Please fill out the box below)
☐ Citation by Posting at Courthouse Door (Please fill out the box below)

☐ Divorce/Family Citation with or without Children

Name and Address of Publication: _____

Relief Request Required: _____

Date of Birth/Place of Birth for Each Child Required: _____

☐ Civil

**As per TRCP 115, attach legal description of property if applicable and state relief requested

Name and Address of Publication: _____

Relief Request Required: _____

Property Description: _____

Notes: _____

Service Requested by:

Name Timothy A. Hootman Timothy A. Hootman
Printed name Signature

Phone No. 713-247-9548 Email thootman2000@yahoo.com

EXHIBIT A-4

Sunnye Wingo

From: Sunnye Wingo
Sent: Wednesday, May 06, 2020 10:06 AM
To: 'dolores@acostaprocessservice.com'
Subject: 107599-CV
Attachments: 107599-CV.pdf

Please find attached the Citation that was requested on 4/30/2020. If you need anything further, please do not hesitate to contact our office. Please make sure when printing all the seals and stamps show up so that the citation is valid.

Sunnye Wingo

239th District Civil Court Clerk
Brazoria County District Clerk's Office
979-864-1309 Phone
979-864-1770 Fax



EXHIBIT A-5

Service I.D. No. 178291

THE STATE OF TEXAS

CITATION

Cause No. 107599-CV
239th District Court

FILED
At 3:18 o'clock P.M.
MAY 19 2020
Clerk of District Court Brazoria Co., Texas
BY [Signature] DEPUTY

TO: **Village of Surfside Beach**
By Serving its Registered Agent
City Secretary Amanda Davenport
1304 Monument Drive
Surfside Beach, Texas 77541-9522

Defendant

NOTICE:

You have been sued. You may employ an attorney. If you or your Attorney do not file a written answer with the Clerk who issued this Citation by 10:00 a.m. on the Monday next following the expiration of 20 days after you were served this **Citation** and **Plaintiff's Original Petition** a Default Judgment may be taken against you. If filing Pro Se, said answer may be filed by mailing same to: Brazoria County District Clerk's office, 111 E. Locust, Suite 500, Angleton, TX 77515-4678 or by bringing said answer in person to the aforementioned address.

The case is presently pending before the **239th District Court** of Brazoria County sitting in Angleton, Texas, and was filed on the **9th day of April, 2020**. It bears Cause No. **107599-CV** and Styled:

Ted Dahl
vs.
Village of Surfside Beach

The name and address of the Attorney filing this action (or Party, if Pro se) is, **Timothy A. Hootman, 2402 Pease, Houston, TX 77003**.

The nature of the demands of said Plaintiff is shown by a true and correct copy of Plaintiff's Petition accompanying this Citation.

Issued under my hand and the seal of said Court, at Angleton, Texas, on the **6th day of May, 2020**.

RHONDA BARCHAK, DISTRICT CLERK
Brazoria County, Texas

By

[Signature]

Digitally signed by Sunnye Wingo
DN: cn=Sunnye Wingo, o=Brazoria
County, ou=District Clerk,
email=sunniew@brazoria-county.com,
c=US
Date: 2020.05.06 10:04:24 -05'00'

Deputy

Sunnye Wingo

**Original**

Citation

Service I.D. No. 178291

THE STATE OF TEXAS

CITATION

Return of Service

Cause No. 107599-CV 239th District Court

TED DAHL

VS.

VILLAGE OF SURFSIDE BEACH

Village of Surfside Beach
 By Serving its Registered Agent
 City Secretary Amanda Davenport
 1304 Monument Drive
 Surfside Beach, Texas 77541-9522

Came to hand on the 8 day of May, 2020 at 5:00 o'clock P.m., and executed in Brazoria County, Texas by delivering to each of the within named parties in person, a true copy of this Citation with the date of delivery endorsed thereon, together with the accompanying copy of the Plaintiff's Original Petition at the following times and places, to-wit: Plaintiff's Original Petition

NAME	DATE	TIME	PLACE, COURSE, AND DISTANCE FROM COURTHOUSE	MILEAGE
<u>Village of Surfside Beach Registered Agent City Secretary Amanda Davenport</u>	<u>5/12/2020</u>	<u>3:05 PM</u>	<u>1304 Monument Dr Surfside beach, Texas 77541-9522</u>	

and not executed as to (NAME) _____

and the cause or failure to execute this process is for the following reason: _____

The diligence used in finding said (NAME) being: _____

FEES:

Serving Citation and Copy

Mileage: _____ miles @ \$ _____ per mile

Total On Invoice

\$ _____

\$ _____

\$ Invoice

Maria D. DelaCerde, Officer
Brazoria County, Texas
Maria D. DelaCerde
PS-2994 Deputy/Authorized Person EXP 8/31/21

COMPLETE IF YOU ARE A PERSON OTHER THAN A SHERIFF, CONSTABLE, OR CLERK OF THE COURT.

In accordance with Rule 107: The officer or authorized person who serves, or attempts to serve, a citation shall sign the return. The return must either be verified or be signed under penalty of perjury. A return signed under penalty of perjury must contain the statement below in substantially the following form:

"My name is Maria D. DelaCerde, my date of birth is 1/14/1974, and my address is 935 Eldridge #283 Sugarland, Texas 77478
 (First, Middle, Last)
 (Street, City, State, Zip Code, Country)

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed in Brazoria County, State of Texas, on the 12 day of May, 2020

Maria D. DelaCerde
 Declarant/Authorized Process Server
2994 8/31/21
 (Id No. and expiration of certification)

Citation

EXHIBIT A-6

No. 107599-CV

Ted DAHL,	§	In the District Court of
Plaintiff,	§	
v.	§	BRAZORIA COUNTY, TEXAS
	§	
VILLAGE of SURFSIDE BEACH,	§	
Defendant.	§	239th DISTRICT

**ANSWER and REQUEST FOR DISCLOSURES
OF DEFENDANT VILLAGE OF SURFSIDE BEACH**

Defendant, Village of Surfside Beach, Defendant in this civil action, files its answer.

I. GENERAL DENIAL

Defendant, under authority of Rule 92 of the Texas Rules of Civil Procedure, denies generally the facts alleged in Plaintiff's Original Petition and demands that Plaintiff prove his allegations by a preponderance of the evidence.

II. REQUEST FOR JURY TRIAL

Defendant asserts its rights under article I, section 15 of the Texas Constitution and article III, section 2 of the Constitution of the United States, and makes a demand for jury trial more than 30 days before the date this case is set for trial, in accordance with Rule 216 of the Texas Rules of Civil Procedure.

III. REQUEST FOR DISCLOSURES

Pursuant to Rule 194, Plaintiff is requested to disclose the information or material described in Rule 194.2 within thirty days of service.

Pleading further, Defendant gives actual notice to Plaintiff that any and all documents produced during discovery may be used against Plaintiff at any pre-trial proceeding and/or trial without the necessity of authenticating the document. This notice is given pursuant to Rule 193.7 of the Texas Rules of Civil Procedure.

IV. REQUEST FOR RELIEF

Defendant, Village of Surfside Beach, requests that Plaintiff, Ted Dahl, take nothing against Defendant, that Defendant recover its costs expended herein, and that Defendant be granted all other further relief to which it may show itself entitled.

Respectfully submitted,

OLSON & OLSON, L.L.P.

By: /s/ Andrea Chan
Andrea Chan
State Bar No. 04086600
achan@olsonllp.com
2727 Allen Parkway, Suite 600
Houston, Texas 77019

Telephone: (713) 533-3800

Facsimile: (713) 533-3888

**Attorney for Defendant,
Village of Surfside Beach**

CERTIFICATE OF SERVICE

I certify that on the 8th day of June, 2020, a copy of the *Answer and Request for Disclosures of Defendant, Village of Surfside Beach* was electronically filed and was served by transmitting a copy by facsimile and through the electronic filing manager established by the Office of Court Administration via an electronic filing service provider certified by the Office of Court Administration in accordance with Rules 21 and 21a of the Texas Rules of Civil Procedure to all counsel of record as follows:

Timothy A. Hootman
2402 Pease
Houston, Texas 77003
thootman2000@yahoo.com
Attorney for Plaintiff, Ted Dahl

/s/ Andrea Chan
Andrea Chan

EXHIBIT B

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION**

**TED DAHL,
Plaintiff,**

v.

**VILLAGE OF SURFSIDE BEACH,
Defendant.**

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**Civil Action No. _____
(JURY DEMANDED)**

COUNSEL OF RECORD

Timothy A. Hootman
State Bar No. 09965450
thootman2000@yahoo.com
2402 Pease
Houston, Texas 77003
Telephone: (713) 247-9548 (office)
Telephone: (713) 366-6229 (cell)
Attorney for Plaintiff, Ted Dahl

Andrea Chan
Southern District ID No. 14940
State Bar No. 04086600
achan@olsonllp.com
Allison S. Killian
Southern District ID No. 3203322
State Bar No. 24099785
akillian@olsonllp.com
Olson & Olson LLP
2727 Allen Parkway, Suite 600
Houston, Texas 77019
Telephone: (713) 533-3800
Facsimile: (713) 533-3888
Attorney for Defendant, Village of Surfside Beach